THE HON'BLE SMT.JUSTICE T.MEENA KUMARI

AND

THE HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

–

WRIT PETITION No.11313 OF 2005

Dt: 05.09.2005

–

Between:

Dr.Mohd.Abdul Bari

S/o.M.A.Gani

Occ: Civil Assistant Surgeon

Primary Health Centre

Manikonda, Koilkonda Mandal

Mahaboobnagar District … PETITIONER

AND

The Government of Andhra Pradesh

Rep.by its Secretary, Medical Health and Family

Welfare Department, Secretariat, Hyderabad

and others … RESPONDENTS

THE HON'BLE SMT.JUSTICE T.MEENA KUMARI

AND

THE HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

WRIT PETITION No.11313 OF 2005

ORDER: (per the Hon'ble Smt.Justice T.Meena Kumari)

This Writ Petition is filed by the petitioner-applicant to quash the Order dated 04.04.2005 in O.A.No.1482 of 2005 on the file of the A.P. Administrative Tribunal, Hyderabad and to direct the respondents to consider his case for appointment to the post of Civil Assistant Surgeon as per Notification No.1/2005 dated 28.02.2005

without insisting on the age qualification as prescribed in para 3 of the said Notification by duly relaxing the age to the extent of service rendered by him as contract Medical Officer.

The said O.A. was filed by the petitioner-applicant seeking a direction to the respondents to consider his application for appointment to the post of Civil Assistant Surgeon in response to Notification No.1/25 dated 28.02.2005 without insisting on the age qualification as prescribed in para-3 of the Notification by duly relaxing the age to the extent of service rendered by him as Contract Medical Officer.

The Tribunal after going into the merits of the case, disposed of the O.A. with a direction to the respondents to permit the petitioner to participate in the selection process without insisting on the age qualification, as per para-3 (iv) of the Notification No.1/2005, dated 28.02.2005, if he is otherwise eligible and suitable and within 45 years of age as on the prescribed date. The Tribunal further directed that in case, sufficient candidates who are within 40 years of age are not available, then only, the case of the petitioner can be considered if he has filed the application within the stipulated time. The Tribunal also made clear that the participation of the petitioner in the selection process is subject to the condition stipulated under para-3 (iv) of the Notification. Aggrieved by the same, the present Writ Petition has been preferred.

Heard the learned counsel and perused the impugned Order.

We do not find any illegality or irregularity in the Order impugned. Hence, the Writ Petition is dismissed. However, the petitioner is at liberty to make an appropriate representation before the respondents in pursuance of the Notification dated 28.02.2005 for considering his case if sufficient number of candidates who have not crossed 40 years of age are not available since the Notification itself makes it clear that if sufficient number of candidates who have not crossed 40 years of age are not available, candidates up to 45 years of age will also be considered for recruitment. As and when such representation is made, the respondents are directed to consider the same in accordance with the Rules.

(T.MEENA KUMARI, J)

(P.LAKSHMANA REDDY, J)

Dt: 05.09.2005

bsv/lvl